Town of Rutland Planning Commission Meeting-MINUTES

785 Center Rd.

November 1, 2022 – 6:30 p.m.

Agenda:

1. Call meeting to order. Chair Leeser called the meeting to order.

2. Roll Call. Travis Leeser, Bruce Sime, Nancy Nedveck, Joe Conant and Dale Arndt were present. Dawn George, Derek Nedveck and Kim Sime were present as well. In attendance in person or via Zoom were Mike Rumpf, Henry Spelter, Kent Knutson, Eric Grover, Cody Helmer, David Norsman, Lisa Tway, Pam Marr-Laundrie, Peter Vanderveer, Sue Williams, Bob Postel, Deana Zentner, Ryan Combs, Steve Williams, Charity Swinehart, Kevin Hahn, Paul Proctor, Maureen Rowe, Jodi Igl, Bonnie Larson, Mary Knutson, Sharon Seffrood, Todd Hanson, Robyn Wood.

3. Approval of the September 6, 2022 & October 3, 2022 meeting minutes.
   Motion to approve September 6, 2022 minutes by Nedveck, 2nd by Conant. Motion passed 3-0; Nedveck, Conant and Arndt. Leeser and Sime abstaining.
   Motion to approve October 3, 2022 minutes by Conant, 2nd by Nedveck. Motion passed 4-0 Leeser, Nedveck, Conant, Sime. Arndt abstaining.

4. Final CSM for Cody Helmer property on Lake Kegonsa Rd. (Petition 11862).
   Eric Grover explained the reasoning on the driveway placement. With moving the driveway, it will eliminate the need for easement. Existing Parcel numbers 052-0510-221-8001-0 and 052-0510-221-8500-1, each lot will get new parcel numbers after the rezone is complete.
   Motion to recommend the Town Board approve the final CSM Petition #11862 with the driveway being moved to the Northeast corner of property by Nedveck. Second by Leeser. Motion passed 5-0

5. Final CSM for Jeff and Charity Swinehart on Sunrise Rd. (Petition 11863). Final CSM shows Lot 1 with Development right and Lot 2 deed restricted with no further development. Existing Parcel number 052-0510-054-8191-0. Each lot will get new parcel numbers after the rezone is complete.
   Motion to recommend the Town Board to approve final CSM Petition #11863 by Sime. Second by Conant. Leeser made amendment to the motion to include Deed restriction of no further development rights on Lot 2. Sime/Conant ok with amendment. Motion passed 5-0

6. Final CSM for Jerry Wendt property on State Hwy 138. (Petition 11829).
   Sime stepped away from his seat on PC for this Petition. This rezone was a trade with even square footage of land to square off Wendt parcel.
   Motion made to recommend the Town Board to approve the final CSM Petition #11829 noting with this land trade, Sime still has one development right and that will stay with parcel #052-0510-111-8500-4 and the Wendt parcel 052-0510-111-8520-0 has no development rights by Nedveck. Second by Leeser. Motion passed 4-0. Sime abstained.

7. CSM for Todd Wolf to combine two parcels into one. Property is located on W. Rutland Rd. Motion made to recommend to the Town Board to approve final CSM noting that the July 3, 2007 Town of Rutland minutes stated that all development rights have been exhausted and the parcel is deed restricted for no further development by Sime. Second by Nedveck. Motion passed 5-0

8. Final CSM for Sholts Survivors Trust for Petition 11817 for property located east of 4549 County Road A. . County has stated that they need to have a driveway easement. Motion made to recommend the Town Board approve final CSM Petition #11817 noting this will exhaust all development rights on the Sholts parcels…052-0510-173-8581-0, 052-0510-173-9091-0, 052-0510-184-8002-0,, 052-0510-184-8120-7, 052-0510-184-9000-0, 052-0510-184-9501-0 by Conant. Second by Nedveck. Motion passed 5-0.

9. Preliminary discussion on transfer of development right to real estate property owned by the Dorothy Johnson Estate. Petition 11912 to separate existing farmstead from farm and create 2 additional residential lots. Proposed rezoning of 5.7 acres located south of 1403 Starr School Rd. DC Public Hearing on December 13, 2022. Some discussion on changing lot lines of one proposed parcel. And info on a Transfer of Development right from other property owned by family. No action taken. Motion to table till the December PC meeting by Sime. Second by Nedveck. Motion passed 5-0

10. Rezoning petition 11913 for David Norsman and Lisa Tway for property located at 1161 Hwy 14. The proposal is to rezone 2.756 acres from RR8 to HC (Heavy Commercial) for moderate environment-fitting cold storage, warehouse business. DC Public Hearing is on December 13, 2022. Tway explained the concerns brought to them on their other property. Different location and different needs. The HWY 14 property will not have the same kind of storage units as the other property. PC members are not in favor of the portable storage containers. Sime recommended that Norsman/Tway come back to December PC meeting with changes in site plan eliminating portable units and written verification from Dane County Zoning that the existing buildings will be meeting the Commercial requirements. No action taken. Motion to table till the December PC meeting by Nedveck. Second by Conant. Motion passed 5-0

11. CUP non-metallic mining reapplication of Kevin Hahn, 439 Center Rd.
Leeser motioned to table as there has been nothing brought in front of the PC. Second by Conant.
Motion passed 5-0

12. Discussion on amendment of Conditional Use Permit procedure.
To clarify the ability for the PC and Town Board to not take any action on CUP applications, an amendment to the Conditional Use Permit procedure is needed.
Motion to recommend the Town Board to amend the CUP procedure to include as indicated in section 10.101(7)(c)3.b of the zoning code: "The Town Board **may** at a properly noticed public meeting, grant, grant with conditions or deny any application for conditional use" by Sime. Second by Nedveck. Motion passed 5-0

The second part of this discussion was to add an amendment to the CUP procedure that PC and Town Board not to take action on any mineral extraction CUP applications. Those would go directly to the County. Conant motioned to table so all can have some time to think about it. Second by Nedveck. Motion passed 5-0

13. Discussion on new town hall.
Nedveck motioned to table due the lateness of the meeting. Second by Conant. Motion passed 5-0

14. Future meeting date.
Monday December 5, 2022 @ 6:30PM

15. Adjournment.
Nedveck/Conant. Motion passed 5-0

Respectfully Submitted by, Kim Sime